

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ANTHONY LYNCH-BEY,

Petitioner,

Case No. 07-cv-14666

v.

Judge Denise Page Hood

HUGH WOLFENBARGER,

Respondent.

ORDER ACCEPTING REPORT AND RECOMMENDATION

This matter is before the Court on Magistrate Judge Paul J. Komives' Report and Recommendation [**Docket No. 18, filed March 23, 2009**]. Neither party has filed an objection. For the reasons set forth below, the Court ACCEPTS and ADOPTS Magistrate Judge Komives' Report and Recommendation.

Magistrate Judge Komives concluded that the Court lacks subject matter jurisdiction to consider the petition because the Petitioner was not "in custody" on the prison disciplinary conviction that he seeks to attack in the instant petition. The Court has had an opportunity to review this matter and finds the Magistrate Judge reached the correct conclusions for the proper reasons.

Accordingly,

IT IS ORDERED that the Report and Recommendation of Magistrate Paul J. Komives [**Docket No. 18, filed March 23, 2009**] is **ACCEPTED** and **ADOPTED** as this Court's findings and conclusions of law.

IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus [**Docket No.**

1, filed Oct. 31, 2007] is DISMISSED.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: May 27, 2009

I hereby certify that a copy of the foregoing document was served upon Anthony Lynch, Reg. No. 146972, Macomb Correctional Facility, 34625 - 26 Mile Rd., New Haven, MI 48048 and counsel of record on May 27, 2009, by electronic and/or ordinary mail.

S/William F. Lewis
Case Manager